

Appl. No.: 10/606,131

Reply to Office Action of: 04/06/2006

Remarks

The specification has been amended to include identification of the parent provisional application noted in the original new application transmittal form filed June 24, 2003 and the inventor's declaration filed September 26, 2003.

Applicant's attorney elects Species I and Subspecies A with traverse. Claims 1-2, 4, 6-12, 17, 20 and 21 are believed to read on the elected species and subspecies.

Claim 1 has been amended in line with claim 23. Claims 3, 5, 13, 14, 15, 16, 18 and 19 (which relate to species 2) have been deleted. Claims 4 and 17 have been amended so that they relate to species 1. The term "transparent/reflective layer" in claim 21 has been amended to recite "switchable optical layer" and independent claims 22-24 have been deleted.

The Examiner has alleged that the claims are directed to two patentably distinct subspecies. Subspecies A relates to the display device having the pixellated and unitary electrode structure as disclosed in Figure 3 (the embodiment in which the non-transparent state of the switchable optical layer is a reflective state). Subspecies B relates to the display device having the pixellated and unitary electrode structure as disclosed in Figure 4 (the embodiment in which the non-transparent state of the switchable optical layer is a selectively emissive state).

Regarding the Examiner's restriction to subspecies A and subspecies B, it is believed that the above amendment to the claims will address this rejection. However, the Examiner

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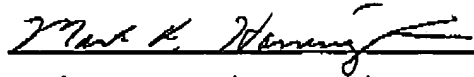
appears to have classified subspecies B incorrectly. The Examiner alleges that subspecies B "most pertains to the subject matter of class 349 subclass 74". The classification of class 349 subclass 74, recites "subject matter wherein two or more liquid crystal cells substantially overlap each other". Subspecies B does not appear to fall into the classification of class 349 subclass 74 as alleged by the Examiner because the invention does not relate to the overlapping of two or more liquid crystal cells.

The Examiner alleges that subspecies A "most pertains to the subject matter of class 349 subclass 61". The classification of class 349 subclass 61, recites "subject matter including specific structure for providing light to the liquid crystal device. (1) Note. This structure may use a special light source for the liquid crystal device or be structurally defined for use with ambient light". It is believed that subspecies B should be classified in 349 subclass 61 along with subspecies A. The examiner is requested to reconsider the restriction.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issue remain, the examiner is invited to call applicant's attorney at the telephone number indicated below.

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Respectfully submitted,



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5/4/06

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